

MEMORANDUM ENDORSED



THE LAW OFFICE OF

TRICIA S. LINDSAY

Civil Rights  
Labor Law  
Criminal Defense  
Family Law  
Wills, Trusts, and Estate

January 31, 2025

**VIA ECF**

Honorable Judge Gabriel Gorenstein  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

***Re: Sai Malena Jimenez-Fogarty v. Thomas Fogarty, et al.***  
***Case No.: 1:24-CV-08705-JLR***

Dear Judge Gorenstein:

This office is incoming counsel for the plaintiff, Sai Malena Jimenez-Fogarty in the above captioned matter.

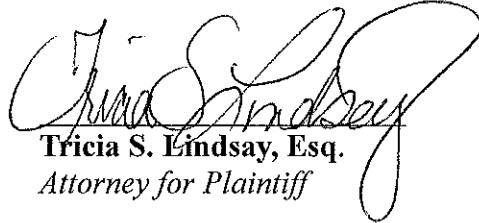
As the newly appearing counsel for Ms. Jimenez, I am requesting time to thoroughly review the case file, consult with my client, and make any necessary amendments to the operative *Complaint* which was recently amended and filed on January 17, 2025. As Ms. Jimenez-Fogarty was a Pro Se Plaintiff when both the initial and amended complaints were filed, I need to review each one as well as the other documents on the docket, including Defendants' pleadings, to ensure that the *Complaint* accurately reflects the facts and legal arguments pivotal to this case, as well as I need to be clear on the status and needs of the case thus far. This will also allow me to adhere to the standards of due diligence and professional responsibility expected of me.

Given the complexity of the case and my recent entry on the matter as legal representation, I respectfully request an extension until January 19, 2025 to file a second amended complaint, and an extension of eight (8) days until January 18, 2025, to file Plaintiff's *Reply* to Defendant Thomas Fogarty's *Opposition to Plaintiff's Motion to Disqualify*, which is currently due on January 10, 2025. This extension is crucial to provide the court with a comprehensive and well-prepared pleading and *Reply* motion as well as to avoid any undue prejudice to the parties involved.

I thank the Court for its consideration.

*Lindsay-Hon. Judge Gorenstein*  
*January 31, 2025*  
*Pg. 2*

Respectfully,

  
**Tricia S. Lindsay, Esq.**  
*Attorney for Plaintiff*

cc: All Counsel of record (via ECF only)


Denied without prejudice. The dates in the third paragraph of this letter are obviously incorrect. The request for an extension as to the due date for the reply brief would have been denied anyway because of counsel's failure to comply with paragraph 1.E of the Court's Individual Practices.

As to the request for "an extension" to file a second amended complaint, Rule 15(a) does not entitle plaintiff to file another amended pleading without a Court order. Thus, there is no deadline for the Court to "exten[d]." Plaintiff is free to request a pre-motion conference to file a motion to amend as provided in paragraph 2.A of the Court's Individual Practices. Before filing such a letter, however, plaintiff should provide a copy of the proposed amended pleading to all defendants who have appeared to see if they would be willing to consent to the filing.

Given the significant possibility that there will be yet another amended complaint filed, the deadline for any defendant to file a response to either the original or the first amended complaint (see Docket ## 30, 51) is now adjourned sine die until further Order of the Court.

On a separate matter, the Court notes that it is not clear that the proofs of service in the record (Docket 38-2) show proper service on Judge Sherri Eisenpress, Judge Thomas Zugibe, or Laura Marino. Plaintiff's counsel is directed to look into this issue at her earliest convenience.

So Ordered.

  
\_\_\_\_\_  
GABRIEL W. GORENSTEIN  
United States Magistrate Judge  
February 3, 2025